

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of August 19, 2009 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 14-1437.

#### **Claims Rejections – 35 USC § 102**

Claims 1-10 and 23-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Published Patent Application 2001/0027474 to Nachman, *et al.* (hereinafter Nachman).

Although Applicants respectfully disagree with the rejections, Applicants have amended the claims to even more clearly define the present invention and to facilitate prosecution of the instant application. The claim amendments are fully supported by the original disclosure and no new matter has been introduced.

It is stated in the Office Action that the features upon which applicant relies (i.e., using a dedicated client program) are not recited in the rejected claim(s). Applicants believe that the feature of using a dedicated client program is implied from the limitation “establishing a communication pathway among the user sessions of the user group and providing access to an interaction application to facilitate the users of the user group to engage in real time communication.” However, the word “dedicated” has been added to independent Claims 1, 23, and 33 in order to facilitate prosecution. Nachman specifically provides a method for sending real-time messages between viewers of a WWW page without using a dedicated client program (see Abstract and paragraph [0002]).

Also, Applicants believe that Nachman does not disclose the steps of **prompting the users** of the user sessions having the identified similarity to respond whether they want to engage in real time communication with other users of the user sessions having the identified similarity, and upon receiving a response from the users of the user sessions

having the identified similarity, forming a user group for users who want to engage in real time communication and establishing a communication pathway among the user sessions of the user group and providing access to an interaction application to facilitate the users of the user group to engage in real time communication. In Nachman, the Web Server Module (WSM) enables instant messaging and further functions between the users of computers 101-103 currently viewing the same web page or site on server 104 (see paragraph [0031]). However, in Nachman the users are not prompted to choose whether or not to participate in real time group communication.

Independent Claims 1, 23, and 33 have been further amended by adding the limitations that the session data to be evaluated to identify at least one real-time similarity among the currently active user sessions include a URL which has been accessed and at least one of an amount of time on-line, an item in a shopping cart, and a user identifier (see paragraph [0017] of the specification). Nachman only uses a WWW page to determine similarity between users. In contrast, the present invention uses URL as well as other data (amount of time on-line, an item in a shopping cart, and/or a user identifier) to determine similarities among user sessions.

Accordingly, Nachman fails to disclose or suggest each and every element of Claims 1, 23, and 33. Applicants therefore respectfully submit that Claims 1, 23, and 33 define over the prior art. Furthermore, as each of the remaining claims depends from Claims 1 or 23 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 102 be withdrawn.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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